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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re United States Patent Application of:)	Docket No.:	2771-594-CIP	
)			
)			
Applicants:	WANG, Ziyun, et al.)	Conf. No.:	1841
)			
Application No.:	10/699,079)	Art Unit:	1621
)			
Date Filed:	October 31, 2003)	Examiner:	Samuel A. Barts
)			
)			
Title:	COMPOSITION AND)	Customer No.:	
	METHOD FOR LOW)		
	TEMPERATURE)		
	DEPOSITION OF SILICON-)		
	CONTAINING FILMS)		

23448

FACSIMILE TRANSMISSION CERTIFICATE

ATTN: Examiner Samuel A. Barts

Fax No. (571) 273-8300

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Number of Pages (including cover)

Steven J. Hultquist

August 31, 2006

Date

RESPONSE TO RESTRICTION REQUIREMENT MAILED JULY 31, 2006
IN U.S. PATENT APPLICATION NO. 10/699,079

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

In re Application of : Wang, et al.
Application No.:10/699,079
Filed: October 31, 2003

Attorney Docket No.: 2771-594-CIP

In the July 31, 2006 Office Action, a Requirement for Restriction against pending claims 1-31 was made, requiring election among:

Group I: Claims 1-13 and 18-23, drawn to silicon compounds, classified in class 556 and a variety of subclasses;

Group II: Claim 14, drawn to a method for making silicon compounds, classified in class 252, subclass 182+; and

Group III: Claims 15-17 and 24-31, drawn to a method of forming a silicon containing film on a substrate, classified in class 252, subclass 182+.

In response, Applicants elect, with traverse, Group I, consisting of claims 1-13 and 18-23, drawn to silicon compounds, classified in class 556 and a variety of subclasses.

Species Election

The requirement for a species election is traversed. As set forth in MPEP §803, a proper restriction requirement is made when the inventions are independent (MPEP §§ 802.01, 806.04, 808.01) or distinct as claimed (MPEP §§ 806.05-806.05(i)); and there is a serious burden on the Examiner if restriction is not required (MPEP §§ 803.02, 806.04(a)-(i), 808.01(a) and 808.02). However, even if the species are viewed as independent or distinct, but the claimed subject matter in each group is related by a "commonality of operation, function and effect" (MPEP § 806.04(e)), then requiring election of a single species is improper. Additionally, MPEP § 803 states that "[i]f the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions."

It is stated in the Office Action mailed July 31, 2006 that "Claims 1-13 and 18-23 are generic to a plurality of disclosed patentably distinct species comprising, for example, the different species disclosed in claim 13." Nonetheless, all compounds of the invention are disilane derivatives fully substituted with alkylamino and/or dialkylamino functional groups (see claim 1), and all compounds of the invention have a melting temperature of less than 100°C and a vaporization temperature of less than 300°C. Thus the common structural characteristics and common

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chemical properties relate the claimed compounds by a commonality of operation, function and effect, and the search of such compounds as a whole, in consequence of the common structural characteristics and common chemical properties, would not place an undue burden on the Examiner.

Accordingly, it is respectfully requested that the species set forth in claims 1-13 and 18-23 be retained in the aggregate for examination or, alternatively, that an additional explanation in support of an election requirement be provided.

In order that this response fairly meets the substance of the Office Action in all respects, even though the election requirement is traversed by Applicants, a single disclosed species, $(\text{HNBu}')_2(\text{NH}_2)\text{Si-Si}(\text{NH}_2)(\text{HNBu}')_2$ compound of claim 13, is hereby elected with reservation of the traversal.

Rejoinder

In the event that the restriction requirement between the composition and method aspects of the invention is made final, Applicants responsive request rejoinder of method claims 14-17 and 24-31 under the provisions of MPEP §821.04 upon confirmation of allowable subject matter of the composition claims 1-13 and 18-23.

Such rejoinder would be fully proper under these circumstances¹.

In the present application the elected claims 1-13 and 18-23 are directed to silicon compounds and the remaining claims 14-17 and 24-31 are directed to methods for making such silicon compounds and methods for using said silicon compounds for forming a silicon-containing film on a substrate. Consistent with the provisions of the MPEP §821.04, when the product claims 1-

¹ When an application as originally filed discloses a product and the process for making and/or using such product, and only the claims directed to the product are presented for examination, when a product claim is found allowable, Applicants may present claims directed to the process of making and/or using the patentable product for examination through the rejoinder procedure in accordance with MPEP §821.04, provided that the process claims depend from or include all the limitations of the allowed product claims.